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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/360,422	07/23/1999	JAY S. WALKER	WD2-99-004	4111

22927 7590 10/22/2003

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EXAMINER

ZURITA, JAMES H

ART UNIT PAPER NUMBER

3625

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/360,422

Applicant(s)

WALKER ET AL.

Examiner

James Zurita

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-72 and 74-118 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-72 and 74-118 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 September 2003 has been entered.

### ***Response to Amendment***

In Amendment B, applicant cancelled claim 73.

Applicant amended claims 1, 2, 6, 9, 11, 13, 15, 17, 18, 19, 21, 22, 28, 30, 33, 35, 41, 47, 48, 57, 63, 74, 85, 87, 108, 115.

Claims 1, 2, 9, 11, 13, 15, 17, 19, 22, 28, 30, 33, 35, 47, 48, 74, and 108 are independent claims.

Claims 1-72 and 74-118 are pending and will be examined.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-118 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-72 and 74-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn et al. (US Patent 5,897,622).

Blinn detects a customer's interest based on a customer's request for information concerning a primary item. Blinn discloses primary and secondary products with associated product identifiers (for example, see references to SKU's).

Blinn retrieves details about a primary item from a database and displays them to a customer. The system creates a package by presenting details concerning one or more secondary items that may be related to the primary item. The primary item's details may include the item's unique identifier, retail price, description, discounted amount, percent discount, etc. See, for example, Fig. 7, 9 and related text.

The details for the additional, secondary items may include those items' unique identifiers, merchant, their retail prices, applicable discounts, description, etc.

Blinn discloses that the combined package price is less than the sum of corresponding retail prices for the primary product and the at least one secondary product. See, for example, Fig. 11 and related text.

Blinn discloses that a primary item in the database may be related to one or more secondary items in at least the following well-known ways. See, for example,

To promote their products, merchants often discount their products or have sales. Merchants can use a wide variety of discounting schemes to promote their products. For example, a merchant may offer volume discounts, such as buy two and get one free, or membership discounts where, for example frequent shoppers and AAA members get 10% off, or cross-sell incentives offering, for example, 50% off socks with a shoe purchase. Existing online merchant systems, such as Netscape Merchant System, support only date-based sale pricing, such as 20% off all shirts during the month of May.

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To enter the online shopping market, merchants desire an online merchant system that allows for a significantly wider variety of product discounting and sales schemes. Col. 1, lines 43-56).

Blinn discloses order fulfillment and delivery. Blinn **does not** disclose having customers pick up each item of a package by visiting the appropriate merchant. Picking up purchased item(s) at local retailers is old and well known.

Therefore, it would have been obvious to one of ordinary skill in the art of electronic commerce to permit customers to pick up one or more items of a package by visiting an item's merchant.

One of ordinary skill in the art of electronic commerce would have been motivated to permit customers to pick up one or more items of a package by visiting an item's merchant for the obvious reason that shopping is a delightful, pleasurable activity and merchants may wish to promote sales at local stores by inviting customers to visit.

It is well known that retail stores, such as Macy's, design their retail stores so that customers are guided from one product area to another; customers may purchase last minute items or items that were not available on-line. A customer may visit a merchant to pick up cosmetics ordered on-line and may also purchase a dress. Merchants, for their part, may save their portions of shipping costs associated with a sale.

A customer may also wish to combine a visit to a local shopping center with other social occasions such as dinner with a friend. At a local restaurant, the customer might redeem an incentive offered by the restaurant as part of a package.

Blinn discloses that customer may be at interactive kiosks (for example, Col. 6, lines 9-24). Kiosks are often found at related retailer stores. While in a merchant's store at a local shopping center, a customer may use a kiosk to access the system and

purchase additional items. A customer may do this possibly to take advantage of discounts that are available on-line and in combination with another merchant's products. Using a mall or a store's kiosk, a customer may order items, pay for them and obtain a printed copy of a coded receipt. The customer may present the coded receipt to one or more merchants who may verify payment of the package order, and deliver the items.

Blinn **does not** use the term bar code or Point of Sale terminal. While Blinn discloses the use of printed copy and online checkout receipts, Blinn **does not** specifically state that a printed receipt may include information in bar code formats. Examiner takes official notice that bar codes and Point of Sales terminals are well known to one of ordinary skill in the art, and that printed receipts and coupons often contain bar-coded information. Such information may include store or item specific information such as store id, item id, receipt or transaction information.

Therefore, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time the invention was made to include Point of Sales terminals and bar codes to present information on a printed receipt.

One of ordinary skill in the art of electronic commerce at the time the invention was made would have been motivated to include Point of Sales and bar codes to present information on a printed receipt for the obvious reason that bar codes make it possible to read information directly into a computer and to transact business in a more efficient manner, including at least avoidance of human error and illegible handwriting.

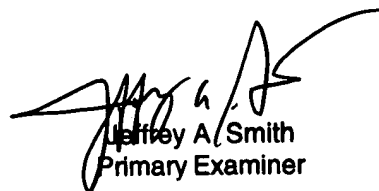
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8:30 am to 5:00 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

James Zurita  
Patent Examiner  
Art Unit 3625  
14 October 2003

  
Jeffrey A. Smith  
Primary Examiner